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The Fair Debt Collection Practices Act

1. What is the Fair Debt Collection Practices Act (FDCPA)?

The FDCPA is a federal law designed to curtail abusive debt collection practices and offer protections to consumers to ensure that debts are collected in a fair and ethical manner.

2. When does the FDCPA apply?

The FDCPA's protections apply to collection attempts when a creditor hires a debt collector or sells the debt to a third party. The third party collector must actually be engaged in the debt collection business.

3. What should I do if I am contacted by a debt collector?

Do not admit that you owe the debt or otherwise acknowledge the debt. Do not agree to pay the debt or set up a payment plan. Tell the debt collector that you are going to dispute the debt. Request that the debt collector mail you written information verifying the debt. They are required to provide you verification, in writing, within thirty days. Inform the debt collector that you require that all communications be made in writing and not to call you. Keep a detailed log of your interactions with the debt collector (i.e. number of calls, time of calls, abusive language, threats, etc.).

4. The debt collector threatened to call my chain of command.

A debt collector is not allowed to call a third party for any purpose except locating you. If a debt collector is calling, or threatening to call, your chain of command or any third party they are likely violating the FDCPA. If they do call your chain of command inform the command that the debt is being disputed and that the debt collector broke federal law.

5. What protections does the FDCPA give to debtors?

The FDCPA empowers consumers in the following ways:



- a. Requires the debt collector verify the debt and give the debtor notice of the debt amount, the name of the creditor to whom the debt is owed, the right of the debtor to request verification of the debt within 30 days, and a warning that any information the debtor gives the debt collector may be used in an attempt to collect the debt.
- b. Allows debtors to stop or limit collector's communications.
- c. Restricts the debt collector's ability to contact third parties.
- d. Prohibits the debt collector from contacting the debtor at odd or inconvenient times or places.
- e. Prohibits collecting money not authorized by the original agreement or law, depositing or threatening to deposit pre-dated checks early, threatening to take property the debt collector cannot legally take or does not plan to take, threatening legal action that cannot be taken or the debt collector does not intend to take, using false, deceptive, or misleading representations or statements, taking actions which harass, oppress, or abuse, or using unfair or unconscionable means to attempt to collect the debt.
- f. Threatening to have you arrested for failing to pay the debt.

6. What do I do if a debt collector is violating the FDCPA?

- a. Stopping the violations:
 - 1. Inform the debt collector they are violating the FDCPA. This often causes the collector to cease the violations.
 - 2. Inform the debt collector that you are going to put the phone on speaker and have a third party witness listen to the call.
 - 3. Inform the debt collector that you are going to speak with an attorney.
- b. Obtaining relief:
 - 1. If the debt collector sues you to collect the debt you can counter-sue for the violations under the FDCPA.
 - 2. Hire a civilian attorney to sue the debt collector. There are substantial penalties for violations of the FDCPA. Many civilian attorneys will work on contingency. That means they are not paid unless and until you prevail in the case. The court also has the ability to award attorney's fees.
 - 3. Contact the Consumer Financial Protection Bureau, a government agency tasked with regulating and enforcing the FDCPA.